

**REPORT OF THE COMMISSION TO STUDY COMPENSATION OF ASSISTANT
DISTRICT ATTORNEYS AND STAFF ATTORNEYS FOR THE COMMITTEE FOR
PUBLIC COUNSEL SERVICES**

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DECEMBER 23, 2014

The Commission to Study Compensation of Assistant District Attorneys (“ADAs”) and Staff Attorneys for the Committee for Public Counsel Services (“Staff Counsel”), was created by Executive Order No. 551. The Commission’s charge was to address the adequacy of salaries for ADAs and Staff Counsel — relative to their peers in other governmental service, within and without the Commonwealth, and those in private practice — and to detail the funding needed to facilitate any recommended increase in salaries.

The Commission began its work in September 2014, and the Executive Order set mid December 2014 as a deadline for this report. The report centers on the six points set forth in the Executive Order:

- i. The salary structure of ADAs and Staff Counsel;
- ii. The salaries of ADAs and Staff Counsel in the Commonwealth in comparison to other jurisdictions;
- iii. The salaries of ADAs and Staff Counsel in comparison to other governmental lawyers within the Commonwealth;
- iv. The salary structure of ADAs and Staff Counsel in comparison to the average starting salary of recent law graduates employed in private firms;
- v. The salary structure of ADAs and Staff Counsel in comparison to reasonably expected increases in the cost of living; and
- vi. The funds needed, if any, to address inadequate salaries.

The Commission notes at the outset that the issue of adequate compensation for public attorneys is not one of first impression, but the lack of novelty only underscores the urgency. Forty-seven years ago, in 1967, the President’s Commission on Law Enforcement and Administration of Justice noted in its Task Force Report that: “Prosecutors in most places are so poorly paid, they must, and are expected to, engage in

private law practice.”¹ (Prosecutors are now prohibited from simultaneously engaging in the private practice of law, but are often still constrained to secure outside, non-legal employment to make ends meet.) The Task Force also recommended that: “Assigned counsel should be paid a fee comparable to that which an average lawyer would receive from a paying client for performing similar services.”²

In the Spring of 2014, the Massachusetts Bar Association (MBA) released an in-depth and comprehensive report on ADA and Staff Counsel compensation entitled, “*Doing Right by Those Who Labor for Justice: Fair and Equitable Compensation for Attorneys Serving the Commonwealth in its Criminal Courts*” (MBA Report). This report builds on the MBA Report, incorporates it by reference and affirms the conclusion that, by any measure, the salaries of ADAs and Staff Counsel are inadequate.

BACKGROUND

It is no secret that the efficacy of our criminal justice system relies on the competence, resilience and dedication of public lawyers. Respectively, they protect the Commonwealth’s right to public safety, good order and adherence to law; and ensure that this protection does not come at the expense of the individual rights and due process to which every person is entitled. Indeed the very credibility of the criminal justice system rests on their shoulders.

In addition to this remarkable level of responsibility, the sheer volume of their work is nearly unparalleled within government legal service. In calendar year 2012, a total of 366,608 criminal cases were arraigned in the District, Juvenile and Superior Courts. Of these arraignments, 88,235 of those complaints alleged violent crimes against a person³ (e.g. murder, rape, robbery, assault and battery), and 88,129 were for crimes involving property (e.g. burglary, arson, fraud, destruction of property, larceny). Drug cases, ranging from possession to trafficking, comprised 42,657 total cases, while motor

¹ Task Force Report Officers of Justice, at 148.

² Task Force Report: The Courts, at 61.

³ This number includes 106 motor vehicle homicides.

vehicle and public order offenses (including 8,616 firearms offenses) comprised 146,974 arraignments.⁴

The prosecution of each of these cases, from arraignment to disposition, was handled by an ADA. The majority of the cases are handled by CPCS attorneys, with a portion of these handled by staff counsel. It is beyond dispute that the work is important, there is a lot of it, and it requires competent, experienced criminal justice attorneys. Unfortunately, the salaries of prosecutors and public defenders have persistently failed to reflect these realities.

The Commonwealth expends significant resources to train entry-level public attorneys in two ways: through formalized training programs adopted by The Committee for Public Counsel Services (CPCS) and the 11 District Attorneys' Offices, to provide them with the continuing legal education and practical trial skills they need; and through daily, supervised case-development and actual trial and appellate experience. As employers, CPCS and the District Attorneys report that just as this foundational training takes root — that is, after three or four years — they face significant difficulty retaining these experienced attorneys. As explored in the MBA report and below, after several years of at or below cost-of-living salaries, many attorneys have basic financial needs (e.g., educational loan debt, housing and child-rearing expenses) that make continued service to the Commonwealth impracticable, if not impossible.

“Sadly, the lowest paid person in a Massachusetts courtroom is a newly minted assistant district attorney. Working up from the bottom, the next lowest paid employee in the courthouse is the custodian. And the third lowest paid person in the courtroom is the public defender.”

Doing Right by Those who Labor for Justice

For example, in calendar year 2014, of the District Attorneys that reported information (all except the District Attorney for the Northwestern District), 94 ADAs left

⁴ 2013 Annual Report of the State of the Massachusetts Court System.

the position — more than 12 % of their total number. For CPCS, in fiscal year 2014, the agency lost a total 115 employees , with 72 of them being attorneys, so 63% of departing employees were attorneys. Of the 72 attorneys who left, 56 had less than 6 years of experience (78%). A total of 38 of the departing attorneys (53%) left due to low salaries.

The State of Florida, which pays its entry level public attorneys just over \$41,000 on average, has experienced similar rates of attrition. This year, Florida TaxWatch, a taxpayer advocacy group, issued a report about the inefficiencies caused by high turnover in the offices of prosecutors and public defenders. It found that the salary structure was pennywise, but pound foolish, stating, in pertinent part, that:

Florida is choosing to pay millions to replace [and train]
[assistant state's attorneys] and [assistant public defenders],
rather than increase retention through salary increases.
*This is not a good business model, and when you consider
the importance of public safety and justice, the result is
untenable.* (Emphasis added).⁵

The Commission members are confident that Massachusetts' experience suggests a similar pattern of attrition which is costly and inefficient.

I. THE SALARY STRUCTURE OF ADAs AND STAFF COUNSEL

A. ADAs.

State law sets forth a statutory range for District Attorney salaries. The salary of the elected District Attorney is \$171,561, as established by G.L. c.12, § 15, as amended by St. 2014, c. 183. The low end of the range is also currently set by St. 2014, c. 183, which establishes within the line item language of each District Attorney the minimum yearly salary for an ADA as \$37,500.

⁵ Florida TaxWatch, *When it Costs More to Pay Less: Starting Salaries for Assistant State Attorneys & Assistant Public Defenders in Florida Among Lowest in Nation* (March 2014).

Aside from these statutory mandates, each of the 11 separately elected District Attorneys adopts his/her own pay structure within his/her respective office, within the confines of the annual appropriation for that office.

The Commission's research indicates that this pay structure is not unique. Per the national Association of Prosecuting Attorneys, the overwhelming majority of District Attorneys (or their counterparts, who bear different titles depending on the jurisdiction), do not have set salary structures. There are some exceptions, e.g., Connecticut and North Carolina, where ADA salaries have a set structure depending, among other things, on experience and level of responsibility.

B. STAFF COUNSEL

By statute, the CPCS Chief Counsel's salary must be "comparable to the salary paid to a district attorney." G.L. c. 211D, § 13. Staff Counsel do not have a statutorily-mandated minimum salary. Rather, salaries are set by CPCS policy (adopted by the Committee established by G.L. c. 211D, § 1).

The minimum Staff Counsel salary is presently \$40,000. Thereafter, subject to appropriation, Staff Counsel receive salary increases based on years of experience and responsibility level. CPCS has standardized this salary structure, and the structure is attached as Exhibit B.

The CPCS Private Counsel Division is comprised of non-salaried bar advocates who are compensated by the Commonwealth based on the number of hours of work performed, within the limitations set forth in G.L. c. 211D. That Division is beyond the scope of this report.

II. SALARIES OF CRIMINAL JUSTICE LAWYERS IN THE COMMONWEALTH IN COMPARISON TO OTHER JURISDICTIONS.

The starting salaries of public criminal justice lawyers in the Commonwealth are low by any comparison point in neighboring states or nationwide. The MBA Report has tackled this issue, and its findings are incorporated here.

This Commission compared the starting salaries of ADAs and Staff Counsel in the Commonwealth to the salaries of their counterparts in neighboring states. The findings were stark — Massachusetts is the lowest, despite a cost of living that is markedly higher (at least as compared to several of our Northern New England neighbors).

STATE	SALARY	SOURCE
Connecticut	\$65,923	State of Connecticut website
Maine	\$40,000	"Hiring information for Prosecuting Attorney Offices - Northeast and Mid-Atlantic Regions". Compiled by the Northeast Law School consortium, August 2013
Massachusetts	\$37,500 - \$40,000	Massachusetts FY15 GAA Budget & CPCS Data
New Hampshire	\$44,998 - \$53,974	"Hiring information for Prosecuting Attorney Offices - Northeast and Mid-Atlantic Regions". Compiled by the Northeast Law School consortium, August 2013
New York	\$54,000	"Hiring information for Prosecuting Attorney Offices - Northeast and Mid-Atlantic Regions". Compiled by the Northeast Law School consortium, August 2013
Rhode Island	\$55,000	"Hiring information for Prosecuting Attorney Offices - Northeast and Mid-Atlantic Regions". Compiled by the Northeast Law School consortium, August 2013
Vermont	\$45,510 to \$55,214	VT District Attorney 2015 - Presentation to the Legislature

Broadening the lens to a nationwide comparison reveals an equally stark finding — Massachusetts entry level ADAs and Staff Counsel, respectively, make \$13,600 and \$10,400 less than the national median for similar entry level public criminal justice attorneys. The national median entry level salary for ADAs and Staff Counsel, respectively, is \$51,100 and \$50,400, as shown in Exhibit A.

III. SALARIES OF CRIMINAL JUSTICE LAWYERS IN THE COMMONWEALTH IN COMPARISON TO OTHER GOVERNMENT ATTORNEYS.

A comparison of ADA and Staff Counsel salaries to government attorneys within the Commonwealth yields the same result — they are at the bottom of the barrel. Starting salaries of ADAs and Staff Counsel are less than the starting salaries of:

- All Executive Branch attorneys, whose entry level yearly salary is \$55,360.
- All Assistant Attorneys General, whose entry level yearly salary ranges from \$60,000 to \$65,000.
- All federal prosecutors and federal public defenders, whose entry level salary depends on certain factors (e.g., prior federal government experience and region of the state) but could range from \$63,386 to \$75,974 for a Boston area attorney.

At minimum, this Commission concludes that the responsibilities of ADAs and Staff Counsel meet or exceed those of entry-level Executive Branch attorneys — known as “Counsel I” within the Executive Branch pay structure. Counsel I attorneys play an important role in administering government, e.g., by reviewing and revising agency regulations, interpreting the law governing their respective agencies, and, depending on the agency, handling investigations against licensed professionals. But there is no question that the responsibility borne by Counsel I attorneys is at least equaled by the responsibility borne by entry-level ADAs and Staff Counsel within the Commonwealth’s criminal justice system.

IV. SALARIES OF CRIMINAL JUSTICE LAWYERS IN THE COMMONWEALTH IN COMPARISON TO RECENT LAW GRADUATES EMPLOYED BY PRIVATE FIRMS

It is no secret that the salaries of ADAs and Staff Counsel compare unfavorably to the salaries of recent law graduates employed at private firms. The only question is one of degree and the answer differs depending on the data used.

According to the most recent National Association of Law Professionals (NALP) survey — from spring 2014 — the national median salary for the law school class of 2013, in all sectors of employment, was \$62,467, a small increase from the median salary for the law school class of 2012 (\$61,245).

Recent law graduates employed at private law firms began at a national median salary of \$95,000 for the law school class of 2013. This salary was an increase over the national median salary of \$90,000 for the law school class of 2012. This increase is attributable to an increase in the number of large law firm jobs during that time frame — which pay a starting salary \$160,000 per year for entry-level attorneys. Over 30% of entry-level law firm jobs reported to NALP have a starting salary of \$160,000.

V. ADA AND STAFF COUNSEL SALARY RELATIVE TO THE COST OF LIVING

The Commission believes that when an entry-level attorney shoulders the responsibility inherent in a public criminal justice position, the salary for that position must take into account the cost of living *and* the cost of the education that is a mandatory prerequisite for the position. For example, in 2012 the American Bar Association released data citing that the average education debt for graduates of private law schools in 2011 was nearly \$125,000, and the average education debt for graduates of public law schools was more than \$75,700.

By that standard, the current salaries are markedly inadequate. Take, for example, the current ADA starting salary of \$37,500, broken down by month:

Monthly Gross Pay:	\$3,125
Estimated Deductions (taxes, insurance and pension):	(\$ 902)
<u>Average Monthly Student Loan Repayment:</u>	<u>(\$ 504)⁶</u>
Net Disposable Income:	\$1,719

⁶ Average Monthly Student Loan Repayment sourced from the 2014 MassBar Report, “Doing Right by Those Who Labor for Justice.” If the average education debt for law graduates referenced above (for the class of 2011, nearly \$125,000 for private graduates and \$75,700 for public graduates) is used to calculate a monthly payment, this monthly cost could increase to anywhere from \$650 per month to over \$1,500 per month depending on amount borrowed, rate and term of the loan.

This salary may *barely* cover monthly necessities, including housing in Massachusetts (which has among the highest housing costs in the nation), transportation, food, clothing, and utilities.

Commission members report that, from their experience, many ADAs and Staff Counsel require monthly, routine financial support from family members (e.g., spouses or parents) for very moderate lifestyles. Indeed, the MBA Report found that nearly 75% of Staff Counsel (who begin at salaries slightly higher than the ADA salary set forth above) required such support. A commitment to public service should not require a licensed attorney to become financially dependent on somebody else. The District Attorneys and CPCS report that they share the goal of ensuring that their attorneys reflect the diversity of the Commonwealth that they serve. The low salaries and the need for independent financial support make that common goal exceedingly difficult to achieve.

Moreover, assuming, solely for the sake of argument, that the minimum ADA salary of \$37,500 and the Staff Counsel salary of \$40,000 were sufficient when they were set in 2007, those salaries have not been adjusted to meet the cost of living for more than 7 years. As set forth in the table below, cost of living increases alone would add approximately \$6,000 to the minimum salary for ADAs and Staff Counsel.

Estimated Salary if ADA/CPCS Starting Salary adjusted for the Social Security Administration's COLA								
	2007	2008	2009	2010	2011	2012	2013	2014
COLA Per SSA (%)	2.3%	5.8%	0.0%	0.0%	3.6%	1.7%	1.5%	1.7%
ADA	\$37,500	\$39,675	\$39,675	\$39,675	\$41,103	\$41,802	\$42,429	\$43,150
CPCS	\$40,000	\$42,320	\$42,320	\$42,320	\$43,844	\$44,589	\$45,258	\$46,027

*Source: Per Social Security Administration Website <http://www.ssa.gov/oact/cola/colaseries.html>

VI. APPROPRIATIONS NEEDED TO INCREASE ADA AND STAFF COUNSEL SALARIES

The Commission recommends increasing the minimum salary for ADAs and Staff Counsel to \$55,360, which is in line with the starting salary for attorneys in the Commonwealth's Executive Branch (Counsel I). The Commission further recommends that the increase be phased in over no more than three years.

At present 411 ADAs and 279 Staff Counsel currently earn less than the recommended annual salary. In light of their respective responsibilities; the centrality of their roles in the criminal justice system; and the clear inadequacy of the present salaries, the recommended increase for ADAs and Staff Counsel requires immediate attention. Ideally, and without consideration of the other priorities sought to be achieved by the finite state budget, the increase would be enacted in one step in the Fiscal Year 2016 budget. The Commission is aware, however, that its work does not take place in a vacuum. In light of state budget realities, as stated above, it recommends that the increase be phased in over no more than three years.

In addition, the Commission acknowledges that raising the minimum salary for ADAs and Staff Counsel requires the appropriation of additional resources sufficient to reward meritorious work and to retain more experienced attorneys. A salary structure that simply raises the minimum salary for entry-level attorneys and does not address the salaries made by the more experienced attorneys who supervise them (or who handle more complex cases) — a problem referenced in this report as “collision” — would yield a variety of negative consequences (e.g., it would not address the retention of more senior lawyers with valuable experience, which is one of the fundamental goals of the recommended salary increase).

Accordingly, we set forth below 3 options for implementation, which are demonstrative rather than exclusive.

Option 1. An appropriation sufficient to support a raise for each ADA or Staff Counsel currently making less than \$55,360, such that s/he will make at least that amount. This will have an estimated total annual cost of \$7.5 M. If this option were to be phased in over a 3 year window, the costs would be \$2.5 M in year 1, \$5 M in year 2, and \$7.5 M in year 3. This option does not address the collision impact of raising all attorneys currently earning below \$55,360 to this new minimum salary.

Option 2. An appropriation sufficient to support the greater dollar amount of either: (a) a raise for each ADA or Staff Counsel currently making less

than \$55,360, such that s/he will make at least that amount; or (b) a 10% raise for each ADA or Staff Counsel.⁷ This will have an estimated total annual cost of \$12.6 M. If this option were to be phased in over a 3 year window, the annual increased costs would be an estimated \$4.2 M in year 1, \$8.4 M in year 2, and \$12.6 M in year 3. This option partially addresses the collision impact of raising all attorneys currently earning below \$55,360 to this new minimum salary.

Option 3. An appropriation sufficient to support: (a) a raise for each ADA or Staff Counsel currently making less than \$55,360, such that s/he will make at least that amount; and (b) a \$17,860 raise for each ADA or \$15,360 Staff Counsel currently making more than \$55,360.⁸ This will have a total annual cost of \$22 M. If this option were to be phased in over a 3 year window, the annual increased costs would be \$7.3 M in year 1, \$14.7 in year 2, and \$22 M in year 3.

Collectively, the options are intended to demonstrate the cost to the Commonwealth if (a) the increased minimum salary is implemented over no more than three years, and (b) corresponding raises are given to more experienced ADAs and Staff Counsel. The Commission unanimously notes that the significant practical consequences of Option 1 — most specifically, that it does not address the issue of collision at all — render it nearly unworkable.

⁷ The expenditure of such an appropriation would depend on the line item language accompanying it. Part (b) of this estimate calculates the amount necessary to support a 10% raise for each ADA or Staff Counsel making more than the recommended minimum salary, but does not suggest an across-the-board raise.

⁸ As with Option 2, this estimate calculates the amount necessary to support a \$17,860 raise (an increase from current minimum salary of \$37,500) for each ADA or \$15,360 (an increase from the current minimum salary of \$40,000) for each Staff Counsel making more than the minimum salary in order to reach the agreed upon baseline of \$55,360, but does not suggest an across-the-board raise.

CONCLUSION

The Commission recommends a minimum salary for both ADAs and Staff Counsel of \$55,360. This recommendation is based on several factors, most prominently that this amount is consistent with the starting salary for all other public attorneys employed by the Commonwealth of Massachusetts. The recommended salary would also ensure that Massachusetts ADA and Staff Counsel are compensated at a rate consistent with their counterparts in our neighboring states.

The Commission acknowledges that this change raises other, related issues, including, but not limited to salary collision with more tenured ADAs and CPCS attorneys (absent a change in their salaries). The Commission does not have a consensus recommendation on those issues, but the foregoing report contains its research on potential options for implementation.

Exhibit A

Table 1. Median Salaries for Lawyers by Type of Organization and Years of Experience — 2004-2014

Civil Legal Services						
Years of Experience	2004	2006	2008	2010	2012	2014
Entry-level	\$34,000	\$36,000	\$40,000	\$42,000	\$42,800	\$44,600
5 years	40,000	43,300	48,000	49,400	50,200	51,000
11-15 years	51,900	55,000	60,000	62,500	64,900	65,000
Public Defenders						
Years of Experience	2004	2006	2008	2010	2012	2014
Entry-level	\$39,000	\$43,300	\$47,400	\$47,500	\$50,500	\$50,400
5 years	50,000	54,700	60,000	60,300	62,800	63,000
11-15 years	65,000	65,500	75,000	76,200	78,600	84,500
Local Prosecuting Attorneys						
Years of Experience	2004	2006	2008	2010	2012	2014
Entry-level	\$40,000	\$43,900	\$45,700	\$50,000	\$50,000	\$51,100
5 years	52,000	54,500	60,000	62,300	61,400	63,600
11-15 years	69,300	73,000	77,500	81,500	76,700	80,000
Public Interest Organizations						
Years of Experience	2004	2006	2008	2010	2012	2014
Entry-level	\$36,700	\$40,000	\$41,000	\$45,000	\$45,000	\$46,000
5 years	46,300	52,000	53,800	53,600	56,300	59,000
11-15 years	64,000	65,000	69,200	70,900	75,000	75,000

Note: Findings are based on a nationwide survey conducted by NALP among civil legal services organizations, offices of public defenders, local prosecuting attorneys, and public interest organizations. A total of 362 organizations completed the 2014 survey. Response counts in 2004, 2006, 2008, 2010, and 2012 were 415, 430, 658, 572, and 423 organizations, respectively.

All figures have been rounded to the nearest \$100.

Source: National Association of Law Professionals, July 2014

Exhibit B

Committee of Public Counsel Services - Salary Structure

COMMITTEE FOR PUBLIC COUNSEL SERVICES

ATTORNEY PAY SCALE I ¹

Step Name	AI.1	AI.2	AI.3	AI.4	AI.5	AI.6	AI.7	AI.8	AI.9	AI.10
Bi-Weekly	\$ 1,538	\$ 1,596	\$ 1,654	\$ 1,712	\$ 1,769	\$ 1,858	\$ 1,933	\$ 1,997	\$ 2,063	\$ 2,131
Annual	\$ 40,000	\$ 41,500	\$ 43,000	\$ 44,500	\$ 46,000	\$ 48,314	\$ 50,261	\$ 51,919	\$ 53,633	\$ 55,403
Min Creditable Serv	1 Yr	2 Yrs	3 Yrs	4 Yrs	5 Yrs	6 Yrs	7 Yrs	8 Yrs	9 Yrs	10 Yrs

AI.11	AI.12	AI.13	AI.14	AI.15	AI.16	AI.17	AI.18	AI.19	AI.20	AI.21
\$ 2,138	\$ 2,201	\$ 2,274	\$ 2,349	\$ 2,426	\$ 2,506	\$ 2,557	\$ 2,608	\$ 2,660	\$ 2,713	\$ 2,767
\$ 55,585	\$ 57,231	\$ 59,119	\$ 61,071	\$ 63,087	\$ 65,167	\$ 66,471	\$ 67,800	\$ 69,156	\$ 70,539	\$ 71,950
11 Yrs	12 Yrs	13 Yrs	14 Yrs	15 Yrs	16 Yrs	17 Yrs	18 Yrs	19 Yrs	20 Yrs	21 Yrs

ATTORNEY PAY SCALE II ²

Step Name	AII.1	AII.2	AII.3	AII.4	AII.5	AII.6	AII.7	AII.8	AII.9	AII.10
Bi-Weekly	\$ 1,731	\$ 1,731	\$ 1,919	\$ 1,933	\$ 1,997	\$ 2,063	\$ 2,070	\$ 2,130	\$ 2,138	\$ 2,216
Annual	\$ 45,000	\$ 45,000	\$ 49,897	\$ 50,261	\$ 51,919	\$ 53,633	\$ 53,815	\$ 55,377	\$ 55,577	\$ 57,608
Min Creditable Serv	1 Yr	2 Yrs	3 Yrs	4 Yrs	5 Yrs	6 Yrs	7 Yrs	8 Yrs	9 Yrs	10 Yrs

AII.11	AII.12	AII.13	AII.14	AII.15	AII.16	AII.17	AII.18	AII.19	AII.20	AII.21	AII.22	AII.23
\$ 2,288	\$ 2,363	\$ 2,440	\$ 2,519	\$ 2,602	\$ 2,686	\$ 2,774	\$ 2,864	\$ 2,922	\$ 2,980	\$ 3,040	\$ 3,101	\$ 3,163
\$ 59,487	\$ 61,429	\$ 63,432	\$ 65,501	\$ 67,639	\$ 69,844	\$ 72,123	\$ 74,476	\$ 75,965	\$ 77,484	\$ 79,034	\$ 80,615	\$ 82,227
11 Yrs	12 Yrs	13 Yrs	14 Yrs	15 Yrs	16 Yrs	17 Yrs	18 Yrs	19 Yrs	20 Yrs	21 Yrs	22 Yrs	23 Yrs

Notes:

1. Pay scale includes Attorneys practicing in District Court, YAD as well as Mental Health field offices.
Approximately 58% of non-managing CPCS Attorneys are captured in this scale.
2. Pay scale includes Attorneys practicing in Superior Court, CAFL, YAD as well as Administrative Staff Counsels. Supervising Staff attorneys are paid an additional \$5,000.
Supervising Staff attorneys are paid an additional \$5,000.
Approximately 42% of non-managing CPCS Attorneys are captured in this scale.

This pay scale excludes all Administrative (Management) Attorneys

Exhibit C

Additional Comments from District Attorneys Blodgett and O'Keefe

We commend Molly Bench and the commission staff as well as the commission chairs and members who have worked diligently under time constraints to produce a report which moves this issue forward.

While we support the main thrust of the report that both ADAs and staff counsel for CPCS deserve a significant increase in compensation, we do not accept the premise that the work load of ADAs and staff attorneys are equal and therefore deserving of the same compensation.

At the time of a Suffolk University forum on this issue in 2011, CPCS staff was doing 10% of the total cases and farming out 90%. As a result, the Legislature granted a significant new appropriation of monies for CPCS to increase its staff attorneys for the purpose of doing more cases in house. It is, at best, unclear as to how many cases are actually now being handled in house. What is clear is the total budget of CPCS exceeds by the total budget of DAs by 100%. This is simply not a level playing field for ADAs or the taxpayer.